

# The Times-DiPATCH

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THURSDAY, DECEMBER 22, 1910.

## THE SOUTHERN MERGER CASE.

After a trial lasting more than three weeks and a delay extending over a period of about six years, the suit brought by the State of South Carolina against the Southern Railway for a violation of the State constitutional provision forbidding the merging of competing lines of railroad has been determined adversely to the State. Judge Shipps, of the Circuit Court, before which the cause was heard, held in his charge to the jury that the constitutional prohibition applied only to competing or parallel lines substantially and legally competing, and, therefore, did not apply in this case; that competition on business handled by connections with other lines at junction points, or on short stretches of parallel lines, could not be considered as coming within the prohibitive clause of the Constitution. The jury evidently shared with the Court in this view, and decided against the State, which, it is said, will appeal, and with the same result, it is sincerely hoped.

We have never thought that there was any merit in the contention of the State, and that the worst that could be charged against the railroad company was a merely technical violation of the letter, but not of the spirit of the Constitution, which technicality the railroad sought to cure by an act of the State Legislature drawn in the strictest conformity with the provision of the Constitution under which the proceedings were brought. The Supreme Court should set at rest forever the inadequacy of the complaint in this case, and the sooner the better. The State having already too long plodded with it to the injury of both railroad and public. If the case shall go to the Supreme Court, that tribunal should make diligent inquiry into the "true inwardness" of the prosecution, what is behind it and what possible public purpose has been sought or could have been served by a decision against the so-called merger.

It is a most fortunate thing for the people of South Carolina, and particularly for the people of Charleston, the chief city of the State, that the trial has resulted in the defeat of the State. The condition of that town would be worse than it was before the purchase of the South Carolina and Georgia Railroad and its undeveloped connections, when its principal feeder ran only to Columbia to the north and to Augusta to the west, without connections with any other places in the world, and in active competition with all other markets served by systems of roads in no sense tributary to Charleston. That was a condition which was not fortunate for that town, and having once been "put back on the map," as the saying goes, having been made one of the great ports of a great system, it would have been a terrible blow to its commercial opportunities had the jury and the Court in this case decided that it should resume its former isolation. We have never believed that the proceedings in this case were instituted in good faith, or, rather, we have thought that the voiding of the so-called merger would result only in great injury to the public. It is the letter of the law that kills; it is the spirit that gives life.

One of the direct results of the proceedings in this case has been a delay of six years in the plans of the owners of the railroad property involved in this suit for the development of its highest efficiency, and now that the litigation has been happily ended, for we cannot imagine that the Supreme Court will do more in any event than confirm the decision of the lower court, it is expected that the Southern system will go forward with the development of its property and the rebuilding of the region and communities which it should serve more effectively, and which it has shown the best disposition to promote.

## SYMBIOTIC SENATORS.

"To bathe or not to bathe is the question that sorely vexes the Senate," declares the Chicago Record-Herald. The House, in a patriotic frenzy of democracy, has abolished the luxurious baths in which its members formerly revolved. One of the great questions of the present Congress is, therefore, whether unbathe, unperfumed, and unmassaged Representatives shall mingle with talcum-powdered, bathed and massaged Senators, or whether both classes shall mix in unbathe simplicity. That aristocrat of the Senate, Hale, of Maine, desires the retention of the baths. He controls the purse strings and thinks that the Senators ought to be bathed and massaged at the public expense. On the payroll of the Senate is a masseur who receives \$1,500 a year and he has attendants at a proportionate ratio to rub and pat Senators and turn them gently on the marble slab.

The existence of these baths will be almost enough to defeat some of the present members of the Senate.

Imagine the Hon. Jeffries Davis, of Arkansas, submitting himself to the mysteries of a Turkish bath. A single shred of evidence that he committed such an act of friendship with "turriers" will turn the hill-billies against him at the polls. Then, too, who can picture the Hon. Benjamin Ryan T. Tilman, the corn-fed commoner, yielding to the tender manipulation of the masseur? In the good old days, when he harangued the electorate, he must have boasted that he "washed in the creek and denied any allegations of tin-lined tubs or porcelain baths."

The bath is not the symbol of a Democratic administration. Let Petronius Tiltman, Nero Davis, and Cincinnati E. D. Smith, of South Carolina, tamper with the massage and the silver spigot at their peril!

## THE GOVERNMENT AND THE MILITIA.

When the Dick militia law was passed by Congress we protested against it because we did not believe that it would prove effective, because we preferred that the several States should take care of their own military establishments, which they had never done, in fact, and because it would destroy the esprit that had distinguished such military force as the States had maintained. The Dick law has not made good; but the States having accepted its terms and consented to make their volunteer soldiery a reserve for the Regular Army, every possible effort should be made to promote the efficiency of this reserve.

It is impossible to maintain the National Guard under the conditions of the Dick law, and at the recent convention of the National Guard Association, held at St. Louis, it was recommended that Congress be asked for such additional legislation as will make the militia an effective arm of the service. The War Department at Washington would provide the means necessary for the accomplishment of this result by organizing and instructing a citizen soldiery that would be effective in time of war and assure the safety of the several States in time of peace. It is proposed that the enlisted men in the National Guard shall receive twenty-five per cent. of the pay received by the soldiers in the Regular Army, and that the officers of the National Guard shall receive fifteen per cent. of the pay of the officers in the regular service. This would give the officers about enough money to provide and care for their uniforms and the private soldiers a very modest sum for their needs in meeting the extraordinary expense in the patriotic luxury of serving their country among its fighting men. The amount required for the proper instruction and keep of the National Guard would aggregate six million dollars annually, a small sum in comparison with the ends to be attained, and far less than the amount that would be required in arming and disciplining an army out of raw material in case of war.

The further improvement of the National Guard has been advised not only by its own officers, but by the Chief of Staff of the Regular Army, General Leonard Wood, and by the President himself, we believe. Whether or not in the present effort of the Administration at Washington to cut down expenses this plan can be carried out now, we do not know; but a stitch in time saves nine, and it is generally admitted that something must be done, and done speedily, if the volunteer forces of the country are to be made an effective aid of the Army in the field. Within the last two weeks the country has been advised from day to day of an impending crisis, and all sorts of foolish things have been said about a National Council of Defense against an invasion from the East; our surest Council of Defense would be found in the organization of a well-equipped militia, supported in a way by the Government at Washington, in whose service the militia as it stands now is already enlisted.

## PUBLICITY OF FEES.

After considerable delay, the City Council Committee on Ordinance, Charter and Reform decided on Tuesday night to investigate the amount of money received in fees by the City Collector and Commissioner of Revenue. This investigation is incident to the consideration of a proposed ordinance which would reduce the fees of the City Collector from 5-8 to 3-8 of 1 per cent. of the amount collected through his office. There seems to have been a disposition on the part of this committee in several instances to postpone investigating the matter and it is to be hoped now that the subcommittee of inquiry will act with due diligence in finding and reporting the facts.

Chairman H. R. Pollard, Jr., of the Finance Committee, is the author of the ordinance reducing the compensation of the City Collector, and Mr. Pollard is of opinion that the Collector received \$10,000 for acting as "the city's paying teller" last year, and that he will receive from \$12,000 to \$15,000 next year, the increased amount growing out of the annexation of Manchester and the new assessment.

City Collector Cunningham declares that his compensation has been overestimated, and that he has office expenses and deputies' salaries to pay which reduce his emoluments greatly. It was stated at the meeting on Tuesday night that the office of Commissioner of the Revenue in Richmond pays at least \$15,000 a year.

The investigation ought to be made and as much publicity as possible ought to be given to the sessions of the subcommittee and to the facts and figures which shall be laid before it. The people have the best right in the world to know what compensation is received by their officers and the exact compensation of every such officer whose stipend is not now known ought to be a matter of record for

public inspection. If it shall be found that, taking all circumstances into consideration, the compensation of either the Commissioner or the Revenue or of the City Collector is excessive, then a reasonable cut in such compensation ought to be made without delay.

There is no personal question involved. No one has asserted that the officers affected by this investigation have done aught but their duty. The popularity of these officers should have no bearing in the ultimate decision of the matter.

It is a public question, purely and entirely. The widest publicity should be given to all details of the city's finances. It is an absurd business proposition to say that the employer has no right to know what his employee is getting.

This investigation will be watched with more than passing interest by the citizens of Richmond, who are anxious that the city shall be run on an equitable and economical basis. The abuse of the fee system of compensation of municipal officers has done much to replace the older form of city administration with the commission plan of government, in which the fee system is not tolerated.

## CHRISTMAS WHISKEY IN THE SOUTHWEST.

Christmas whiskey shipments into Southwest Virginia are so heavy that the Express Company has been compelled to utilize ordinary freight, or box, cars to transport the stuff. A large quantity of the whiskey is going into technically "dry" territory, and the present active movement would seem to sustain the contention of the "wet" people in the recent local option election in Lynchburg that the consumption of intoxicants was greater in that town under so-called prohibition than it ever was under a regulated traffic, and that the business of the Express Company proved it. The Christmas trade further supports this view, which is why we say that a well regulated traffic is far better than free liquor.

## A BONUS IN STEEL.

The United States Steel Corporation will distribute as a bonus to its officers and employees the sum of \$2,700,000. The bonus is to be paid 50 per cent. in common stock of the concern, at \$70 the share, and 40 per cent. in cash. This must be a most gratifying Christmas gift to the people who have done the work, and it shows that all corporations are not altogether without heart. A more equal distribution, however, could be reached through a revision of the tariff reducing the duties on all steel products so that the people generally would be benefited in the prosperity of the corporation. A little less steel in steel would suit the people in their present temper.

## DENTISTS IN THE NAVY.

Word comes from Washington that dental surgeons are proposed for the Navy: to be graded as follows: One dental surgeon with the rank of lieutenant-commander, four passed assistant dental surgeons with the rank of lieutenant, and twenty-five assistants with the rank of lieutenant, junior grade. The proposition is wholly sound and in keeping with the spirit of the times. It will be recollected that one of the hospital ships of the Navy is already under the command of a physician and everybody knows, of course, that the present chief of staff of the Army is a doctor. In time, as the new system is developed, we may have the Navy commanded by a dentist, in which case there would be no reason why we should not show our teeth to any enemy that might offer.

## SEND THE BILLS TO "THE OUT-LOOK."

Rainey is determined to press his inquiry into the expenses of Mr. Roosevelt while he was President. It is said that if he had paid for all the transportation furnished him by the Southern Railroad on his orders while he was President, it would have cost him \$75,000, and that he got \$120,000 worth of transportation from the Pennsylvania Railroad. We insist, again, that this is a matter between Mr. Roosevelt and the railroads, with which Congress has nothing to do. If he owe them any money, let them present their bills, duly attested, and should he decline to pay them, let the railroads send the bills to The Outlook, which has plenty of money, and would not suffer the Contributing Editor to be disturbed in the prosecution of his labors.

## THE MUCKRAKERS' TRUST.

Magazine readers will be somewhat interested to learn that muckraking is to be organized and systematized. The mid-slinging writers of the New York magazines are forming a "muckraking pool" to use the apt phrase of the Boston Herald.

According to the story, the new combination is not to be a formal trust. It will not, therefore, be technical enough to bring it under the law which would make it subject to Federal prosecution. It is to be a "gentlemen's agreement," something like the unwritten agreements which obtain among "good fellows" and gamblers.

The organization is to be rather informal. Its purposes will be achieved in pleasant after-lunch chats over cigars, coffee, apricot brandy and creme de menthe.

The participants in these meetings will be the magazine owners and the muckraker writers, the Tarbells, the Bakers, the Steffenses, et id omne genus. On these occasions each man will show his hand, so that all may know what is being planned by each magazine owner and writer. If it shall appear that the Sherlock Holmes and the Chief Wilkies and several magazines have their noses on the same trail of graft or crime, the editors

will come to a friendly understanding in order that the same subject of muckraking may not appear in too many magazines, publication of yellow magazines is thus to be prevented. Only one magazine will continue on the trail, by agreement of its rivals.

It is about time that the magazine people were up and doing. They need to do something. Their publications are selling, and selling well, but popular faith in the muckraking magazines is subsiding at a rate that is astonishing. Some of these magazines are trying to tell the truth; others are exaggerating and falsifying to an unheard of extent. A year ago the magazine was a power in the formation of public opinion in this country, but it has been losing strength steadily, because muckrakers have passed from the judicial attitude to that of the special pleader, to the viewpoint of the attorney who would win his case, no matter what the truth of the case may be.

The popular magazines first remained in their legitimate sphere when they expressed fact, but when they began to express wild opinions and revolutionary theories they overstepped their true bounds and the public has begun to discredit them more and more as time passes. Some magazine owners could not afford to have their special writers tell the truth from any other viewpoint than that of the policy of the magazine, and the result is that the whole truth is concealed and the spurious story substituted.

Magazine fiction is still attractive; non-political articles still allure the reader; but the political effusion of the muckrakers is not holding its own. Muckraking is being carried too far by the magazines. The inevitable reaction has followed.

## A HARD YEAR FOR SMUGGLERS.

The United States customs officers have become almost perilous in their activity during the last year. There is Loeb in New York, the very mention of whose name carries terror to the heart of respectable smugglers. Within less than six months he has caught a former Governor of New Hampshire with the goods, the Adriances of Poughkeepsie loaded with jewels, the wife of a millionaire candy manufacturer in New York also loaded down with precious stones, and only about ten days ago Mrs. Shonts fell into his impartial hands with a lot of jewelry she had brought back home from France. Now comes the news that the famous VanDyke painting, which was stolen from a private gallery in Germany recently, and was bought by a Boston art firm for the sum of \$10, has been seized by the customs officers at Boston and is held for identification.

This painting is said to be worth \$10,000 and is alleged to have been purchased in an obscure city in Europe last summer for not much more than one of the old-fashioned chromos is worth, and is now waiting, until its original ownership has been fully established, before delivery to the American collector.

Of course there is much consternation in smuggling circles because of the business spirit with which the customs officers are doing their work, and there is much condemnation of them because of their "brutality" in treating the baggage of returning American tourists, but it must be admitted that the smugglers they have caught and the goods they have seized justify the suspicion that no Americans are honest, particularly no Americans of the richer and presumably more respectable class. It is hoped that Loeb and the rest of the sleuths at the great ports of the country will continue their very good and successful work.

## THE IDEAL AND THE REAL.

Last week a newspaper man ran over to the United States from London on the Mauretania, and while the great ship was discharging its cargo and getting ready for its Christmas voyage back to England, determined that he would see the United States in thirty-six hours, and he accomplished his object, doing New York in little or no time—its great men, its tall buildings, its marvelous eating places, its subways, and newspapers, and all the rest. He then made a quick trip to Washington, dropped in on the President at the White House, shook hands with old Joe Cannon at the Capitol, studied the whole system of our Government and got back to New York in time to take his ship. It was quick work, and we have no doubt that the enterprising Jenkins will tell a good story about it. He has been advertised from one end of this country to the other, and knows probably less now about the United States and its people and institutions and principles and achievements than he knew before he came here. But it was a good bit of advertising for him and for his paper, the London Daily Telegraph.

If the correspondent had stayed in New York a day or so longer, however, he would have learned a most important lesson in real newspaper work in connection with the terrible explosion at the New York Central power house. This fearful accident occurred shortly after eight o'clock in the morning. Millions of dollars worth of property was destroyed by it, more than one hundred people were seriously injured, and ten or fifteen persons were killed outright, yet the New York newspapers, within less than two hours after the explosion, were being sold on all the streets of that great city with an account of the disaster, and a few hours later they all appeared with a full list of the dead and wounded and accurate estimates of the enormous property loss caused by the catastrophe. These reports, particularly in the Evening Post, the Evening Sun, the Evening Telegram, and the Evening World, were all well written, with names correctly given, with full

and exact descriptions of how it happened and careful estimates of the value of the property destroyed. The reports that were written and printed in this fearful accident were "the real thing"; and altogether, a triumph in actual journalism which has been rarely, if ever, excelled in this country. There was something substantial in the work of the New York newspaper folk; there was nothing but the sensational, the commercial, the advertising quality in the incursion of the Briton.

Other great journalistic feats have been performed in the United States without exciting special wonder. We have in mind a particular case in one of the Southern towns not so many years ago, where with the walls falling on every side and the people feeling that the last day had come, the faithful workers in a newspaper office wrote in the midst of these surroundings after twelve o'clock at night and printed in the columns of the newspaper, on which they were employed, the next morning in time for the early mails, more than twelve columns about one of the most destructive earthquakes that has ever been known on the Atlantic side of the continent.

We trust that the British journalist got home safely and we have no doubt he will tell a good story, but there is a vast difference between real journalism of the sort the newspaper people in New York performed last Monday and the advertising expedition of the gentleman from London who stayed with us for thirty-six hours.

## GIFTS TO SUPERIORS.

Mayor Speer, of Denver, has lately issued his annual notice to employees of city departments, asking them to restrain their affection for their superiors in office and not to give to funds for Christmas gifts for the "higher-ups." It has been the custom in Denver, as well as in many other cities, for low-salaried city employees to subscribe to a fund to purchase gifts for their superiors in office. Denver is stopping it formally and other cities are adopting the reform.

The employees are not forbidden to contribute toward the presentation of gifts to persons of less salary than the donors.

This seems a wise provision, founded in economy and reason, and it ought to be followed in all cities, the prohibition being ordered by the mayor of the municipality.

## THE OYSTER CHAMPION.

Not long ago there was an oyster marathon in Texas. The winner was the man who could eat the most oysters.

Governor Shafroth, of Colorado, won easily. At the recent Trans-Mississippi Congress at San Antonio, Shafroth, along with the members of the Congress, took a side trip to Galveston. In that city, the delegates were cordially received and were informed that they must take part in an oyster eating contest. A finely embossed gold medal was the prize, the bivalves were free, and the delegates jumped into the fray.

Governor Shafroth ate leisurely. The oysters were imported from Virginia by the Texans and the chief executive of Colorado believed in making a good thing last as long as possible. After awhile, the announcer indicated that Shafroth was rapidly coming toward the top of the column. In an hour, all the other delegates were down and out. The Governor laughed and ate on, damning those who cried "enough!"

A little later, the Governor is described by the Rocky Mountain News as not "smiling now, but looking as if he were writing a letter to recalcitrant Senators. Then he looked as if the legislators had written back that they wouldn't pass the laws. After a few more gulps the Governor laid back with a tired but seraphic grin."

He had eaten four hundred and eighty-five oysters, not counting the horseradish, the lemon juice, and the crackers. Colorado was saved.

## WORSE THAN THE BOLL WEEVIL.

Some of the Texas papers are fighting with all their might for good roads. The Beaumont Enterprise declares that the ravages of the boll weevil in the Lone Star State are estimated at millions of dollars annually, but adds that "the mudhole has been more costly for the producer than the boll weevil." The Federal Government has spent millions of dollars in trying to find a way to exterminate this pest, but as the Enterprise well puts it, no money has to be spent in learning how to get rid of bad roads. The construction of good roads is the whole key to the problem.

The Enterprise says further: "The boll weevil in destroying cotton decreases production, and consequently increases the price of the remaining products, but bad roads levy their deadly toll against the producer and destroy the value of the remaining roads. Bad roads are the worst pest the farmer has to contend with, and they are the easiest to get rid of."

All true, and all well worth thinking about. This country is sinking the value of the products of millions of

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acres every year into mud and mire. If there were good roads throughout the nation, we should be a very, very much wealthier people.

Pity the sorrows of the horses at this blessed Christmas time and help them hold back their loads going down hill.

Debates of the Senate are not always dull and unhumorous. The other day there was a discussion over a certain

vessel, the Venus. Whereupon Senator Cummins said:

"It always seemed to me a little remarkable that they should call an armed ship by that name. But passing that, is it true that when the left Gibraltar her only cargo consisted of \$31,000 in specie and \$500 worth of silk stockings?"

It was true.

The best definition of a rara avis in Richmond is a city employee who does not petition for a raise in salary.

## RUSSIA INSISTS ON TWELVE-MILE LIMIT

BY LA MARQUE DE FONTENAY. EMPEROR NICHOLAS and his government have lately put forward a pretension which, if added to the various powers of the world, will necessitate a revision of one of the most important principles of international law. Until now territorial waters have always been regarded as limited by three miles from the shore. Russia, however, insists on a twelve-mile limit, and has recently captured several English travelers for fishing within the twelve-mile limit from the mouth of the White Sea. The Japanese have complaints of an analogous character against Russia for capturing their fishermen within the twelve-mile limit. But beyond the three-mile limit of the Russian coast line, and either the Czar will have to back down, which is improbable, or else it will be necessary to summon another international congress, to arrange for a new delimitation of the extent of territorial waters, and at the same time of the claims of the various powers, land and water in the Arctic region. The present conference held at Christiania merely related to the ownership of Spitzbergen and did not take into consideration any of the other regions of the Arctic Ocean.

There is so much resemblance between the names of Secheny and Sezen, that it may be just as well to explain the difference. Count Sezen de Temein, who has just been appointed ambassador of Austria-Hungary to France, in succession to the late Count de Serey, is a Hungarian, and has no relation whatsoever to Count Laslo Secheny, who married Miss Gladys Vanderbilt, and who belongs to an entirely different family. Count Sezen is a man of about fifty-three, has been for several years ambassador of Austria-Hungary to France, in succession to the late Count de Serey, and is a member of the political department of the Ministry of Foreign Affairs at Vienna. He is married, and has a daughter, Johanna Miklos von Zabala, who is a Dame du Palais of the court of Vienna, and is the son of the late Count Anthony Sezen, who was grand master and grand marshal of the court of Vienna, his father, in turn Count Sezen, having been the grand master of the household of the late Emperor Francis Joseph, and who to a great extent dominated her son and his ministers during the earlier portion of his reign. The Sezens received their title of count at the beginning of the nineteenth century, and were ennobled about 100 years previously, where as the Sechenys were created counts as far back as in 1697.

Henry B. Money-Coutts, who has just shaken the dust of the Liberal party from his feet, with a good deal of unnecessary vehemence, is a partner in Coutts's celebrated bank, in London, and the only son of Francis Money-Coutts, who succeeded his father, the late Baroness Burdett-Coutts, in her predominant share in the ownership of Coutts's Bank, and in the possession of all her great estate, and property. Francis Money-Coutts two years ago purchased Stoddle Park, near Hampton, in Devonshire, from Sir Edwin Dunning, an active member of the Tory party, with the object of standing for Parliament for the Tiverton district of the county as a Liberal. He has found, however, that the Liberal sentiment far too strong to admit of his ever being returned as a Liberal, and being reluctant to request the aid of the Conservative party, the Unionist cause, after having so recently sought from it, in vain, election aid, he has decided to change the political allegiance of the present owners of Stoddle Park.

It may safely be taken for granted that Francis Money-Coutts will very shortly follow his only son into the Unionist camp. He is a member of the House of Lords, and has only a few volumes of poems of a rather religious and mystical bent, who is generally regarded as having been somewhat overborne by the sense of the importance derived from the possession of his aunt's fortune. Yet there was never any love lost between the two, and there is no doubt that the late baroness would have disapproved her nephew had she possessed a little power to do so. If he did not stand very high in her good graces, it was mainly owing to his mother, the late Mrs. Money, widow of Rev. James Drummond Money. Mrs. Money got on fairly well with her younger sister, until Lady Burdett-Coutts married, in 1834, the Brooklyn-born William Ashmead Bartlett, who thereupon assumed her name of Burdett-Coutts. The elder of the two women opposed the union in the most flat-footed manner, subjecting the baroness to such exceedingly plain speaking concerning her conduct in wedding a man young enough to be

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